

**REDACTED VERSION  
PURSUANT TO 35-A M.R.S.A. § 704(5)**

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2004-463

August 3, 2004

Appeal of Consumer Assistance Division  
Decision #2004-16805 Regarding Eastern  
Maine Electric Co-op

ORDER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

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**I. SUMMARY**

In this Order, we uphold the June 28, 2004 decision of our Consumer Assistance Division (CAD) finding that Eastern Maine Electric Cooperative (EMEC) properly billed its **[Member]**.

**II. BACKGROUND**

On February 24, 2004, **[Member]** contacted CAD concerning a disputed high bill he received from EMEC. **[Member]** claims that he disconnected his power at the service entrance and had not resided there since November 2003 but he continued to receive bills of over \$70.00 per month. EMEC's records show usage of 48 kWhs in November, 316 in December and 520 in January 2004.

EMEC tested **[Member]**'s outside meter on March 14, 2004 and found it was working accurately within the parameters set out in Chapter 32 of the Commission's Rules. **[Member]**'s original meter was inside his house. After **[Member]** limited access to EMEC's meter readers in March 2000, EMEC bypassed the inside meter and installed a meter outside on a nearby pole.<sup>1</sup> Although the inside meter continued to record usage, EMEC used the outside meter for billing purposes. On June 17, 2004, EMEC tested the meter located inside **[Member]**'s house. It also tested as accurate. Both meters showed almost the same amount of usage.

CAD issued its decision on June 28, 2004. CAD found **[Member]**'s meters accurately recorded usage and therefore the bills were correct. On May 14, 2004, EMEC disconnected all service at **[Member]**'s request. After application of his Electric Lifeline Credit, **[Member]** owes \$239.78. On July 9, 2004, **[Member]** appealed CAD's decision to the Commission claiming that he believes the outside meter was reading inaccurately due to trees touching the wires.

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<sup>1</sup> Although EMEC apparently installed the outside meter as a means to keep electricity available to this residence despite lack of access for reading his inside meter, in the future it would be preferable for EMEC to contact CAD if such a situation arises. Moving the meter could cause problems as to the point of demarcation between customer and utility. There was no problem in this case as demonstrated by virtually the same usage being recorded on both meters.

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**III. DISCUSSION AND DECISION**

As described above, tests on both of **[Member]**'s meters indicated they were operating properly. Absent evidence of a defective meter, a customer is responsible for the cost of electricity once it passes through the meter. There are a variety of situations that could result in electricity being used when a customer believes all household appliances and electrical equipment are off. **[Member]** may wish to check with an electrician if other high usage situations occur in the future. We know of no situation where trees on a line could cause the meter to record higher usage or for it to cause more usage to pass through the meter. Given that EMEC billed **[Member]** for the usage that was recorded by a properly operating meter, we uphold CAD's decision and decline to investigate this matter further.

Dated at Augusta, Maine, this 3<sup>rd</sup> day of August, 2004.

BY ORDER OF THE COMMISSION

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Raymond J. Robichaud  
Acting Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond  
   Reishus

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**NOTICE OF RIGHTS TO REVIEW OR APPEAL**

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.